



General Assembly

Substitute Bill No. 817

January Session, 2013



**AN ACT ESTABLISHING A PROPERTY TAX PROGRAM TO
ENCOURAGE THE PRESERVATION OF HISTORIC AGRICULTURAL
STRUCTURES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage and applicable to assessment*
2 *years commencing on and after October 1, 2013*) (a) As used in this section:

3 (1) "Municipality" means any city, town, borough, district or
4 association with municipal powers;

5 (2) "Historic agricultural structure" means a barn listed on the
6 National Register of Historic Places, 16 USC 470a, as amended from
7 time to time, or on the state register of historic places, as defined in
8 section 10-410 of the general statutes, or a stone wall or other structure,
9 including the land necessary for the function of the barn, stone wall or
10 structure, currently or formerly used for agricultural purposes and at
11 least seventy-five years old;

12 (3) "Discretionary preservation easement" means a preservation
13 easement over an historic agricultural structure, including the land
14 necessary for the function of such structure, conveyed to a
15 municipality for a term of ten years;

16 (4) "Easement agreement" means the document conveying the
17 discretionary preservation easement;

18 (5) "Legislative body" means the legislative body of a municipality
19 or, where the legislative body is a town meeting, the board of
20 selectmen or town council;

21 (6) "Property tax payment amount" means the amount of property
22 tax due for an historic agricultural structure subject to a discretionary
23 preservation easement as established by the legislative body. Such
24 amount shall be between twenty-five per cent and seventy-five per
25 cent of the amount of property tax that would be due for such historic
26 agricultural structure if such structure was not subject to such
27 discretionary preservation easement, and shall be calculated based on
28 the assessed value of the historic agricultural structure in the
29 assessment year in which the legislative body approves the application
30 for a discretionary preservation easement. Such amount shall be fixed
31 for the term of the easement; and

32 (7) "Early release penalty" means ten per cent of the amount of
33 property tax that would be due for such historic agricultural structure
34 if such structure was not subject to a discretionary preservation
35 easement, calculated based on the assessed value of the historic
36 agricultural structure in the assessment year in which such penalty is
37 levied.

38 (b) Any municipality may, by ordinance, adopt the discretionary
39 preservation easement program described in this section. A
40 discretionary preservation easement shall only be accepted if an
41 historic agricultural structure (1) provides scenic enjoyment to the
42 general public from a public road; (2) is historically important on a
43 local, regional, state or national level, either independently or as part
44 of an historic district established under section 7-147a of the general
45 statutes or by special act; or (3) has physical or aesthetic features that
46 contribute to the historic or cultural integrity of a property listed on or
47 eligible for listing on the National Register of Historic Places, 16 USC
48 470a, as amended from time to time, or on the state register of historic
49 places, as defined in section 10-410 of the general statutes. Any
50 municipality adopting the provisions of this section may establish (A)

51 additional eligibility criteria for accepting a discretionary preservation
52 easement, and (B) for a renewal of a discretionary preservation
53 easement, a formula by which to calculate the assessment of any
54 improvements made to the historic agricultural structure during the
55 term of the previous easement.

56 (c) (1) For assessment years commencing on and after October 1,
57 2013, any owner of an historic agricultural structure located in a
58 municipality that has adopted the provisions of this section may, not
59 later than July first, apply to convey to the municipality a discretionary
60 preservation easement over such structure. Such application shall be
61 made on a form prescribed by the legislative body and shall contain a
62 certification by the owner that, during the term of any discretionary
63 preservation easement accepted by the legislative body, the owner
64 shall maintain the historic agricultural structure in keeping with its
65 historic integrity and character. The legislative body shall conduct a
66 public hearing on the application not later than thirty days after the
67 date on which the application is filed and shall render its decision not
68 later than sixty days after the date on which such application is filed.

69 (2) In making its decision, the legislative body shall consider any
70 eligibility criteria set forth in the ordinance and in subsection (b) of this
71 section and may weigh the public benefit to be obtained against the
72 property tax revenue that will be lost by accepting a discretionary
73 preservation easement. If the legislative body denies an application for
74 a discretionary preservation easement, it shall provide a written
75 explanation of its decision to the owner. There shall be no right of
76 appeal from a decision of the legislative body. If the legislative body
77 approves an application, it shall establish the property tax payment
78 amount for such historic agricultural structure, provided such
79 property tax payment amount shall be effective only upon the
80 execution and recording of an easement agreement that complies with
81 the requirements of subsection (d) of this section. The property tax
82 payment amount shall be established so as to reflect, in the sole
83 discretion of the legislative body, the value of the public benefit

84 received from the discretionary preservation easement. The legislative
85 body shall provide written notice of its decision and the property tax
86 payment amount to the owner and may acquire a discretionary
87 preservation easement by entering into an easement agreement with
88 the owner.

89 (d) A discretionary preservation easement shall be a burden upon
90 the property and shall bind all transferees and assignees of such
91 property, and shall not be assigned, transferred or released by the
92 municipality without the consent of the owner. An easement
93 agreement shall be recorded on the land records at the expense of the
94 owner. Such easement agreement shall include the property tax
95 payment amount and the terms of renewal, if any.

96 (e) (1) The legislative body shall release a discretionary preservation
97 easement upon request of the owner if the legislative body determines
98 that (A) the owner cannot comply with the terms of the easement
99 agreement due to extreme personal hardship, or (B) the historic
100 agricultural structure has been significantly damaged or destroyed by
101 fire, storm or any other unforeseen circumstance not within the control
102 of the owner. Upon release of the easement, the owner shall pay an
103 early release penalty, except that no such penalty shall be imposed if
104 the structure has been significantly damaged or destroyed by fire,
105 storm or any other unforeseen circumstance not within the control of
106 the owner.

107 (2) If, during the term of a discretionary preservation easement, the
108 legislative body determines that the owner has failed to maintain the
109 structure in accordance with the easement agreement, the legislative
110 body may terminate the easement and levy an early release penalty in
111 accordance with this subsection.

112 (f) Upon the expiration of the term of a discretionary preservation
113 easement, the owner may apply for a renewal if the easement
114 agreement does not provide for automatic renewal, and the legislative
115 body shall process such application for a renewal in the same manner

116 as a new application.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to assessment years commencing on and after October 1, 2013</i>	New section

PD *Joint Favorable Subst.*